

REMARKS

The final Office action mailed on 26 January 2005 (Paper No. 20050121) has been carefully considered.

Claims 1, 3 thru 8, 11, 15, 16, 19 and 21 are being amended. Thus, claims 1 thru 24 are pending in the application.

It should be noted that the claims are being amended in order to improve their form, and are being amended in such a way as to not add any additional subject matter to the claims. Thus, claims 1, 5, 11, 15, 16, 19 and 21 are being amended to change the term "television signals" to "television program signals". This amendment does not change these claims in any substantive manner since it is clear from the claims, in their original form, that the term "external television signals" was intended to indicate television signals received from an external source (*i.e.*, a broadcast station) and containing program content to be recorded for subsequent viewing by the user. In the latter regard, *see* claim 1, lines 5-6, claim 11, lines 3-4 and claim 19, lines 3-4, which recite that the television signals are to be recorded in accordance with reserve-recording conditions previously set up. That is, the reserve-recording conditions are set up in order to ensure that, at an appropriate time to start recording (as included in the reserve-recording conditions), the television program desired by the user will be recorded for subsequent viewing by the user.

The remaining amendments to the claims pertain to matters of form alone.

Specifically, in order to avoid an objection for “lack of antecedent basis”, the words “the power mode of” are being deleted from claims 3, 5, 7 and 8 since the term “power mode” is not recited earlier in the claim in question or in any preceding claim. Also, the change is appropriate since the power control part changes the central processing unit itself from the normal mode to the power saving mode.

In addition, claim 4 and 6 are being amended to replace the term “the power mode” by the term “a power mode”, again for the purpose of avoiding an objection for lack of antecedent basis.

Thus, the amendments to the claims are merely for the sake of improving form and/or reciting subject matter already contained in the claim, and thus these claim amendments do not raise “new issues” requiring further consideration and/or search by the Examiner. Therefore, this Amendment After Final should be entered.

In paragraph 3 of the Office action, the Examiner rejected claims 1, 3 thru 11, 13 thru 22 and 24 under 35 U.S.C. §103(a) for alleged unpatentability over Schein *et al.*, U.S. Patent No. 6,388,714 in view of Brusky, U.S. Patent No. 6,285,406. In paragraph 4 of the Office action, the Examiner rejected claims 2, 12 and 23 under 35 U.S.C. §103 for alleged unpatentability over Schein *et al.* ‘714 in view of Brusky, U.S. Patent No. 6,285,406, and further in view of Hwang, U.S. Patent No. 6,121,962.

In rejecting independent claims 1, 11 and 19 in paragraph 3 of the final Office action, the Examiner alleges that Schein *et al.* '714 discloses the claimed storage unit for storing television program signals in digital form. The Examiner contends that the claimed storage unit is met by the hard drive 14 or the memory 76 of Schein *et al.* '714. However, a review of the patent, and of the portions of the text of the patent cited by the Examiner in particular, fails to reveal that the hard drive 14 or the memory 76 store television program signals received from an external source by a television receiver part. In fact, the Schein *et al.* '714 patent merely discloses a hard drive 14 which is used strictly for the purpose of storing software for diskettes (*see* column 5, lines 12-13 of Schein *et al.* '714), or a "software program" (*see* column 5, line 46 of the patent). Similarly, the memory 76 is merely defined as a "random access memory" (*see* column 6, lines 6-7 of Schein *et al.* '714) serving the same functions as the hard drive 14.

In paragraph 3 of the final Office action, the Examiner also alleges that Schein *et al.* '714 discloses a record-controlling part for storing the television signals in the storage unit according to the set-up reserve-recording conditions, but again there is no disclosure in Schein *et al.* '714 relative to the provision of a storage unit (hard drive 14 or memory 76) for storing television program signals, as recited in the claims.

On page 3 of the final Office action, the Examiner admits that Schein *et al.* '714 does not explicitly disclose the claimed power control part for controlling power supply in a normal mode and in a power saving mode, and for automatically switching from the power

saving mode to the normal mode according to the set-up reserve-recording conditions when the time for reserve-recording approaches. However, the Examiner cites Brusky '406 as disclosing this capability.

First, in citing the additional reference for combination with Schein *et al.* '714, the Examiner fails to state where, in Schein *et al.* '714, there is any disclosure or suggestion which would motivate a person of ordinary skill in the art to seek and incorporate the disclosure of Brusky '406 to form a combined arrangement with that of Schein *et al.* '714. In fact, the disclosure of Schein *et al.* '714 is completely devoid of any disclosure or suggestion which would so motivate a person of ordinary skill in the art.

However, even if one of skilled in the art were so motivated, the combination of Schein *et al.* '714 and Brusky '406 fails to result in a combined arrangement which automatically switches from a normal mode to a power saving mode. In that regard, the most that Brusky '406 discloses is the switching of power modes as result of a manual action taken by a user. For example, at column 5, lines 22 ff. of Brusky '406, it is stated that, when a user hits the power button on the remote control to turn off the television, the PC/TV is put into a "soft-off state" which is effectively a "suspend state". Furthermore, Brusky '406 states that, when the user presses the power button on the remote controller 130, the system is brought out of the "soft-off" state and fully powered up (*see* column 5, lines 30-32 of Brusky '406). It is further stated in the patent that the power button 132 on the remote controller 130 is enabled to bring the PC/TV out of the "soft-off" state (*see* column 5, lines

38-39 of the patent).

Thus, even if Brusky '406 is combined with Schein *et al.* '714, the resultant arrangement does not possess the capability claimed in the present application, that is, the capability of automatically switching from a power saving mode to a normal mode according to set-up reserve-recording conditions when the time for reserve-recording approaches. In fact, a review of the two references fails to reveal any relationship at all between reserve-recording conditions or approach of the time for reserve-recording, on the one hand, and automatic switching of power modes, on the other hand.

At the top of page 4 of the final Office action, the Examiner alleges that it would have been obvious to one of ordinary skill at the time of the invention to incorporate the power management taught by Brusky '406 into the system of Schein *et al.* '714 in order to save power in the apparatus. Applicant respectfully disagrees with this assertion by the Examiner since, as mentioned above, there is nothing within the "four corners" of the disclosure of Schein *et al.* '714 pertaining to power saving or which would motivate a person of ordinary skill in the art, as of the time of the invention, to combine that reference with Brusky '406. It is respectfully submitted that the only reason the Examiner is able to make that combination is that the Examiner has been guided by the disclosure of the present application which, of course, would not have been available to a person of ordinary skill in the art as of the date of the invention.

On page 4 of the final Office action, with regard to dependent claim 3, the Examiner alleges that Schein *et al.* '714 in combination with Brusky '406 discloses changing of the power mode of a central processing unit from a normal mode to a power saving mode "after the reserve recording conditions are set up through said reserve-recording set-up part" (quoting from page 4, lines 6-7 of the final Office action). The Examiner alleges that such a capability is met by the power management device 185 of Brusky '406. However, there is nothing in the disclosure of Brusky '406 which pertains to changing of power modes "after the reserve conditions are set up" as claimed in the present invention, that is, as recited in claim 3 and other dependent claims.

On page 4 of the final Office action, the Examiner also alleges, with respect to dependent claim 4, that "the combination of Schein *et al.* and Brusky explicitly do not disclose the claimed a [*sic*] mode selection window display for selecting the power mode of said central processing unit" (*see* page 4, lines 14-16 of the final Office action), but the Examiner alleges that it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate a mode selection window display for selecting the power mode of a central processing unit. However, the Examiner fails to provide any citation to Schein *et al.* '714 or Brusky '406 in support of this allegation. Thus, it is apparent that the Examiner is relying merely on opinion alone, not supported by any evidence in the form of a cited patent or other reference.

Finally, in the last paragraph on page 4 of the final Office action, with regard to claim

5, the Examiner alleges that the claimed power control part for automatically switching the power mode of the central processing unit from normal mode to power saving mode is met by the power management device 185 of Brusky '406. However, as indicated above, the most that Brusky '406 discloses is manual switching from one power mode to another power mode based on the user's operation of a remote control unit. Thus, there is no disclosure or suggestion in the prior art cited by the Examiner of the automatic switching of power modes, much less the automatic switching of power modes after reserve-recording conditions are set up through a reserve-recording set-up part.

In paragraph 4 on page 6 of the final Office action, with regard to claim 2, the Examiner admits that neither Schein *et al.* '714 nor Brusky '406 discloses provision of a reserve-recording set-up part comprising a password skipping unit which does not require a user to enter a password when the power saving mode is changed to the normal mode. However, there is an important distinction between the present invention and the disclosure of Hwang '962.

Specifically, in Hwang '962, when a computer system is in the "suspend" mode, the computer system requires a user to enter a password if the password was set at the time of computer setup. However, in the present invention, the user is not required to enter a password when the system is in a "suspend" mode, even if the password was set at the time of computer setup (*see* dependent claims 2, 12 and 23).

The latter feature of the invention solves a problem arising from the fact that the user cannot give any information or instructions to the system when the system automatically switches from “normal” mode to “power saving” mode because the user does not know how the system operates during automatic wake-up. In contrast, the latter problem is not prevented by the computer system of Hwang ‘962.

In addition, in the Office action, the Examiner cites Hwang ‘962 as allegedly teaching that a booting operation is completed only when an input password is correct, and that a user may use the computer system since the booting operation may be complete without checking a password. However, the Examiner fails to cite any portion of Schein *et al.* ‘714 or Brusky ‘406 which would suggest to or motivate a person of ordinary skill in the art to seek and obtain the disclosure of Hwang ‘962, and to incorporate the disclosure of that patent into a combination with the preceding two patents. In fact, there is nothing within the “four corners” of the disclosures of Schein *et al.* ‘714 or Brusky ‘406 which would motivate a person of ordinary skill in the art to seek any password capability or function, such as that disclosed in Hwang ‘962.


To summarize, the prior art fails to disclose or suggest each of the features and functions of the invention, as recited in independent claims 1, 11 and 19. Furthermore, the references cited by the Examiner fail to provide any motivation to a person of ordinary skill in the art as to combination of those references in order to obtain the present invention. It is submitted that the only reason that the Examiner is able to combine references is through

hindsight, as assisted by the teachings of the present application, which the Examiner has had an opportunity to review, but which one of ordinary skill in the art, as of the date of the invention, would not have had the opportunity to review. For the latter reasons, the rejections under 35 U.S.C. §103 are considered to be improper, and should be withdrawn.

In view of the above, it is submitted that the claims of this application are in condition for allowance, and early issuance thereof is solicited. Should any questions remain unresolved, the Examiner is requested to telephone Applicant's attorney.

No fee is incurred by this Amendment After Final.

Respectfully submitted,



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